

Remarks

In the official action the Examiner objected to the drawings filed in this application. With all due respect to the Examiner, since this is the national stage of a PCT application, the Examiner is not entitled to make formal objections to the form of the application. Please see PCT Article 27(1) which the Examiner will find in Appendix T to the MPEP. That Article says that "no national law shall require compliance with requirements relating to the form or contents of the international application different than or in addition to those which are provided in this Treaty and its regulations."

Once the drawings meet the requirements of the PCT, the USPTO is not entitled to object to them under its rules of practice since the USPTO is not entitled to make any rule of practice which conflicts with a Treaty ratified by the United States of America. Nevertheless, in a spirit of cooperation, the Applicant has provided clean copies of the originally filed PCT drawings herewith.

It is hoped that the Examiner will reconsider this matter and withdraw any objections that he may have to the drawings.

With respect to page 5 of the application as filed, enclosed herewith is a clean copy of page 5 for the Examiner's use.

We note that the Examiner examined 21 claims in this application. However, we note that only 15 claims are presently pending according to the amendments made during International Preliminary Examination. Please see our letter of December 23, 1999 filed in this application (copy enclosed). The claims were renumbered during the International Preliminary Examination and therefore the numbers which are referenced as canceled in this amendment are currently no longer active numbers in this application.

The Examiner rejected claims 9-13 under 35 U.S.C. 112, as allegedly being unclear. As the Examiner will note by reference to the amendments made to the claims, the claims

have been amended with an eye to overcoming the Examiner's rejection and it is hoped that the Examiner will agree that the claims, as amended, now pass muster under 35 U.S.C. 112, second paragraph.

The Examiner rejected claims 1-2, 5-12, 14-15 and 17 under 35 U.S.C. 103 as being unpatentable over Neumann (DE 2652101).

With respect to Neumann, it is believed that Neumann is not a surround system and therefore there is no teaching therein with respect to the arrangement of a receiver as claimed in amended system claim 1 or amended method claims 11. As can be seen in Figure 1 of Neumann, signals received by elements 6 and 7 are amplified by amplifiers 8 and 9 and then demodulated in demodulators 10 and 11. In block 12, the received signals are mixed and transmitted to the headphone systems 15 and 16, via amplifiers 13 and 14.

There is no teaching in Neumann of imposing "a delay operative to simulate an acoustic

delay" as recited by amended claim 1. With respect to claim 11, how does Neumann meet the "processing of arrival times" limitation? As such, the Examiner is respectfully requested to reconsider this grounds for rejection in view of the amendments made to the claims and the foregoing remarks.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents  
POB 1450, Alexandria, VA 22313-1450 on  
December 15, 2003

(Date of Deposit)

Corinda Humphrey

(Name of Person Signing)

Corinda Humphrey  
(Signature)  
December 15, 2003

(Date)

Respectfully submitted,



Richard P. Berg  
Attorney for Applicants  
Reg. No. 28,145  
LADAS & PARRY  
5670 Wilshire Boulevard, Suite 2100  
Los Angeles, California 90036  
(323) 934-2300

Enclosures:

- Replacement drawing sheets (13 pages)
- Copy of claim amendments from IPEA as sent to the USPTO dated 12/23/1999
- copy of replacement page 5 from PCT application